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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/664,266	09/17/2003	Isao Hanai	HIR-140	3416

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EXAMINER

PAPE, JOSEPH

ART UNIT PAPER NUMBER

3612

DATE MAILED: 05/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/664,266	Applicant(s) HANAI ET AL.	
	Examiner Joseph D. Pape	Art Unit 3612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 32-45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 32-45 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: On page 9, line 9 is awkwardly phrased.

Appropriate correction is required.

Claim Objections

2. Claims 2-6 are objected to because of the following informalities:

In claims 2-6, line 1, --absorbing device—should be added after “shock” for consistency with the parent claim 1 and for greater clarity.

In claim 3, line 3, “or” should be changed to –and--.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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4. Claims 1-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, line 7, "second arm attachment" has no clear antecedent basis.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1, 4-6, 39, and 42-44, as understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Miller.

Miller discloses the claimed invention including first arm 2, second arm 4, and a mid-filler attachment 14, 32, with non-planar walls and no lid or bottom plate. The non-planar walls define a hollow center. The first arm 2 includes attachment means 3 for removal and attachment to a car frame 44. The second arm is attached to the bumper 16 and the means for attachment inherently permits removal of the second arm from the bumper given sufficient force to do so. Miller discloses a mid-filler attachment that is polygonal or diamond shaped as in Figure 2.

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7. Claims 1, 2, and 4-6, 32 33 35-38 as understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Kroning et al.

Kroning et al. disclose the claimed invention including first arm 8, second arm 6a, and a mid-filler attachment 5, with non-planar walls 6 and no lid or bottom plate. The non-planar walls define a hollow center within which a shock absorbing material is located. See Figure 1. The first arm 2 includes attachment means 19 for removal and attachment to a car frame. The second arm is attached to the bumper 2 and the means for attachment 10 permits removal of the second arm from the bumper. Miller discloses a mid-filler attachment that is elliptical and more specifically circular in cross section.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

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not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

10. Claims 3 and 34, as understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Kroning et al. in view of Straza et al.

Kroning et al. disclose the claimed invention including foam filling material for the mid-filler attachment. Kroning et al. do not disclose symmetrical voids in the shock absorbing material having a loofah type cross section.

Straza et al. disclose a vertically oriented shock absorbing filling material for a vehicle bumper application which comprises symmetrical voids in the shock absorbing material having a loofah type cross section.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to substitute the shock absorbing material of Straza et al. having symmetrical voids with a loofah type cross section for that of Kroning et al. as an alternate energy absorbing arrangement which absorbs energy in a more predictable and symmetrical manner.

11. Claim 40 is rejected under 35 U.S.C. 103(a) as being unpatentable over Miller in view of Straza et al.

Miller discloses the claimed invention except for a shock absorbing material being affixed within the hollow center of the mid-filler attachment.

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Kroning et al. disclose a mid filler attachment arrangement including first arm 8, second arm 6a, and a mid-filler attachment 5, with non-planar walls 6 and no lid or bottom plate. The non-planar walls define a hollow center within which a shock absorbing material is located. See Figure 1.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the hollow center of the mid filler attachment of Miller with a shock absorbing material as taught by Kroning et al. in order to enhance the energy absorbing capacity of the device.

12. Claims 41 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claim 40 above, and further in view of Straza et al.

Miller, as modified, discloses the claimed invention except for symmetrical voids in the shock absorbing material having a loofah type cross section.

Straza et al. disclose a vertically oriented shock absorbing filling material for a vehicle bumper application which comprises symmetrical voids in the shock absorbing material having a loofah type cross section.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to substitute the shock absorbing material of Straza et al. having symmetrical voids with a loofah type cross section for that of Miller, as modified, as an alternate energy absorbing arrangement which absorbs energy in a more predictable and symmetrical manner.

Response to Arguments

13. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

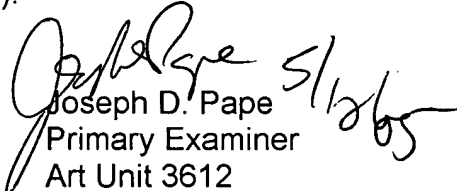
14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph D. Pape whose telephone number is (703) 308-3426.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Joseph D. Pape
Primary Examiner
Art Unit 3612

Jdp

May 12, 2005